

Senate File 452

H-1430

1 Amend the amendment, H-1404, to Senate File 452,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 46, after line 5 by inserting:

5 <DIVISION

6 MENTAL HEALTH ADVOCATES

7 Sec. \_\_\_\_\_. Section 229.19, subsection 1, paragraphs  
8 a and b, Code 2013, are amended to read as follows:

9 a. In each county ~~with a population of three~~  
10 ~~hundred thousand or more inhabitants~~ the board of  
11 ~~supervisors~~ chief judge of the judicial district  
12 encompassing the county shall appoint an individual  
13 who has demonstrated by prior activities an informed  
14 concern for the welfare and rehabilitation of persons  
15 with mental illness, and who is not an officer or  
16 employee of the department of human services nor of  
17 any agency or facility providing care or treatment to  
18 persons with mental illness, to act as an advocate  
19 representing the interests of patients involuntarily  
20 hospitalized by the court, in any matter relating  
21 to the patients' hospitalization or treatment under  
22 section 229.14 or 229.15. ~~In each county with a~~  
23 ~~population of under three hundred thousand inhabitants,~~  
24 ~~the chief judge of the judicial district encompassing~~  
25 ~~the county shall appoint the advocate.~~

26 b. The court ~~or, if the advocate is appointed by~~  
27 ~~the county board of supervisors, the board~~ shall assign  
28 the advocate appointed from a patient's county of  
29 ~~legal settlement~~ residence to represent the interests  
30 of the patient. If a patient has no county of legal  
31 settlement is committed by a court that is not located  
32 in the patient's county of residence, the court or,  
33 ~~if the advocate is appointed by the county board~~  
34 ~~of supervisors, the board~~ shall assign the advocate  
35 appointed from the county where the hospital or  
36 facility is located to represent the interests of the  
37 patient.

38 Sec. \_\_\_\_\_. Section 229.19, subsection 3, Code 2013,  
39 is amended to read as follows:

40 3. The court ~~or, if the advocate is appointed~~  
41 ~~by the county board of supervisors, the board~~ shall  
42 prescribe reasonable compensation for the services of  
43 the advocate. The compensation shall be based upon  
44 the reports filed by the advocate with the court. The  
45 advocate's compensation shall be paid by the ~~county in~~  
46 ~~which the court is located, either judicial branch on~~  
47 order of the court or, if the advocate is appointed  
48 by the county board of supervisors, on the direction  
49 of the board. ~~If the advocate is appointed by the~~  
50 ~~court, the~~ The advocate is an employee of the state for

1 purposes of chapter 669. ~~If the advocate is appointed~~  
2 ~~by the county board of supervisors, the advocate is an~~  
3 ~~employee of the county for purposes of chapter 670. If~~  
4 the patient or the person who is legally liable for  
5 the patient's support is not indigent, the ~~board court~~  
6 shall recover the costs of compensating the advocate  
7 from that person. If that person has an income level  
8 as determined pursuant to section 815.9 greater than  
9 one hundred percent but not more than one hundred  
10 fifty percent of the poverty guidelines, at least one  
11 hundred dollars of the advocate's compensation shall  
12 be recovered in the manner prescribed by the ~~county~~  
13 ~~board of supervisors~~ supreme court. If that person  
14 has an income level as determined pursuant to section  
15 815.9 greater than one hundred fifty percent of the  
16 poverty guidelines, at least two hundred dollars of  
17 the advocate's compensation shall be recovered in  
18 ~~substantially the same manner prescribed by the county~~  
19 ~~board of supervisors as provided in section 815.9~~  
20 supreme court.

21 Sec. \_\_\_\_\_. TRANSITION OF EMPLOYEE RIGHTS OF FORMER  
22 COUNTY — PAID ADVOCATES.

23 1. The full-time or part-time county employees or  
24 independent contractors paid for mental health advocate  
25 services under section 229.19 immediately prior to  
26 July 1, 2014, shall become judicial branch employees  
27 effective July 1, 2014, and the judicial branch shall  
28 assume all costs associated with the functions of the  
29 employees on that date. Persons who were paid by the  
30 counties immediately prior to becoming state employees  
31 as a result of this Act shall not forfeit accrued  
32 vacation, accrued sick leave, or benefits related  
33 to longevity of service, except as provided in this  
34 section.

35 2. The supreme court, after consulting with the  
36 department of administrative services, shall prescribe  
37 rules to provide for the following:

38 a. A person referred to in subsection 1 shall have  
39 to the person's credit as a state employee commencing  
40 on the date of becoming a state employee the number of  
41 accrued vacation days that was credited to the person  
42 as a county employee as of the end of the day prior to  
43 becoming a state employee.

44 b. Each person referred to in subsection 1 shall  
45 have to the person's credit as a state employee  
46 commencing on the date of becoming a state employee the  
47 number of accrued days of sick leave that was credited  
48 to the person as a county employee as of the end of the  
49 day prior to becoming a state employee. However, the  
50 number of days of sick leave credited to a person under

1 this subsection and eligible to be taken when sick  
2 or eligible to be received upon retirement shall not  
3 respectively exceed the maximum number of days, if any,  
4 or the maximum dollar amount as provided in section  
5 70A.23 that state employees generally are entitled to  
6 accrue or receive according to rules in effect as of  
7 the date the person becomes a state employee.

8 c. Commencing on the date of becoming a state  
9 employee, each person referred to in subsection 1 is  
10 entitled to claim the person's most recent continuous  
11 period of service in county employment as state  
12 employment for purposes of determining the number of  
13 days of vacation which the person is entitled to earn  
14 each year. The actual vacation benefit, including  
15 the limitation on the maximum accumulated vacation  
16 leave, shall be determined as provided in section 70A.1  
17 according to rules in effect for state employees of  
18 comparable longevity, irrespective of any greater or  
19 lesser benefit as a county employee.

20 3. Persons referred to in subsection 1 who were  
21 covered by county employee life insurance and accident  
22 and health insurance plans prior to becoming state  
23 employees in accordance with this section shall be  
24 permitted to apply prior to becoming state employees  
25 for life insurance and health and accident insurance  
26 plans that are available to state employees so that  
27 those persons do not suffer a lapse of insurance  
28 coverage as a result of this section. The judicial  
29 branch, after consulting with the department of  
30 administrative services, shall prescribe rules and  
31 distribute application forms and take other actions  
32 as necessary to enable those persons to elect to  
33 have insurance coverage that is in effect on the date  
34 of becoming state employees. The actual insurance  
35 coverage available to a person shall be determined  
36 by the plans that are available to state employees,  
37 irrespective of any greater or lesser benefits that may  
38 have been available to the person as a county employee.

39 4. Commencing on the date of becoming a state  
40 employee, each person referred to in subsection 1 is  
41 entitled to claim the person's most recent continuous  
42 period of service in county employment as state  
43 employment for purposes of determining disability  
44 benefits as provided in section 70A.20 according to  
45 rules in effect for state employees of comparable  
46 longevity, irrespective of any greater or lesser  
47 benefit that may have been available to the person as a  
48 county employee.

49 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
50 Act takes effect July 1, 2014.>

1      2. By renumbering as necessary.

\_\_\_\_\_  
M. SMITH of Marshall

\_\_\_\_\_  
ANDERSON of Polk

\_\_\_\_\_  
BEARINGER of Fayette

\_\_\_\_\_  
BERRY of Black Hawk

\_\_\_\_\_  
COHOON of Des Moines

\_\_\_\_\_  
FORBES of Polk

\_\_\_\_\_  
HEDDENS of Story

\_\_\_\_\_  
KEARNS of Lee

\_\_\_\_\_  
LENSING of Johnson

\_\_\_\_\_  
MASCHER of Johnson

\_\_\_\_\_  
H. MILLER of Webster

\_\_\_\_\_  
STUTSMAN of Johnson

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T. TAYLOR of Linn

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THEDE of Scott

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WESSEL-KROESCHELL of Story

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WINCKLER of Scott